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കേരള ഗസറ്റ്
KERALA GAZETTE
അസാധാരണം
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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Thiruvananthapuram, Monday

2026 ഫെബ്രുവരി 16
16th February 2026
1201 കുംഭം 4
4th Kumbham 1201
1947 മാഘം 27
27th Magha 1947

നമ്പർ No. 626

GOVERNMENT OF KERALA

Home (S) Department

NOTIFICATION

G. O. (P) No. 15/2026/Home.

Dated, Thiruvananthapuram, 11th February, 2026 / 28th Makaram,1201 / 22nd Magha, 1947.

In exercise of the powers conferred under Section 356(8) of the Bharatiya Nagarik Suraksha Sanhita, 2023, the Government of Kerala hereby notifies the guidelines to be followed while conducting a criminal trial in the absence of the accused (*Trial in absentia*), and

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the guidelines issued under the said provision are appended hereto.

By order of the Governor,

BISHWANATH SINHA,
Additional Chief Secretary to Government.

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Guidelines under Section 356 (8) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 - Trial in Absentia

1. Introduction

Trial in absentia, newly incorporated under the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 refers to the conduct of a criminal trial in the absence of the accused. The BNSS permits trials in absentia in respect of proclaimed offenders, subject to strict statutory conditions.

Section 356 of the BNSS empowers the Court to proceed with the trial without the physical presence of the accused where such person, having been declared a proclaimed offender, has absconded with the intent to evade trial and where there is no reasonable likelihood of securing his arrest in the foreseeable future.

2. Purpose

The introduction of this procedural provision aims to prevent inordinate delays in criminal trials caused by deliberate evasion of judicial proceedings. Under the pre- existing legal framework, Indian criminal law did not permit the trial, conviction, or sentencing of an accused in absentia.

Section 356(8) of the BNSS further authorises the State Government, by notification, to extend the application of this provision to absconders referred to under Section 84(1) of the Sanhita, thereby strengthening the mechanism to address willful obstruction of justice.

3. Scope

This provision applies where an accused, having been declared a proclaimed offender under Section 84 of the BNSS, absconds or conceals himself to evade the process of law. The provision seeks to curb deliberate and strategic non-cooperation by accused persons that results in prolonged stagnation of criminal proceedings.

Under the Code of Criminal Procedure, 1973, a proclamation could be issued only in respect of 19 specified offences. The BNSS significantly expands this scope by permitting proclamation in respect of offences punishable with imprisonment of ten years or more, imprisonment for life, or the death penalty.

4. Statutory Framework

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(i) Section 356(8) of BNSS, 2023.

The State Government may, by notification, extend the provisions of this section to any absconder mentioned in sub-section (1) of Section 84 of this Sanhita.

(ii) Section 84(1) of BNSS, 2023

Where any Court has reason to believe, whether after taking evidence or otherwise, that a person against whom a warrant has been issued has absconded or is concealing himself so that the warrant cannot be executed, the Court may publish a written proclamation requiring such person to appear at a specified place and time, not less than thirty days from the date of publication.

(iii) Section 84(4) of BNSS, 2023

Where a proclamation under sub-section (1) of Section 84 relates to an offence punishable with imprisonment of ten years or more, imprisonment for life, or death under the Bharatiya Nyaya Sanhita, 2023, or any other law in force, and the accused fails to appear as required, the Court may, after conducting such inquiry as it deems fit, declare him a proclaimed offender.

(iv) Section 84(5) of BNSS, 2023

Section 84(5) states that the provisions of sub-sections (2) and (3) -which set out the ‘manner in which the proclamation must be published’ and that ‘a court’s written statement of proper publication is conclusive evidence of such publication’ — shall apply to a declaration made under sub-section (4) in the same way as they apply to the original proclamation published under sub-section (1).

(v) Section 24 of Bharatiya Sakshya Adhiniyam (BSA, 2023)

Section 24 permits a joint trial where a confession is proved. The explanation clarifies that a trial involving multiple accused, conducted in the absence of an absconding accused or one who fails to comply with a proclamation under Section 84 of the BNSS, shall be deemed a joint trial for the purposes of this section.

(vi) Section 209, Bharatiya Nyaya Sanhita (BNS, 2023)

Failure to appear in response to a proclamation under Section 84(1) of the BNSS is punishable with imprisonment up to three years, or fine, or both, or community service. Where a declaration of proclaimed offender has been made under Section 84(4),

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the punishment may extend to seven years imprisonment along with fine.

5. General Guidelines

(i) Upon filing of the final report under Section 193 of the BNSS, a waiting period of ninety days shall be observed before initiating a trial in absentia.

(ii) The Police shall submit a detailed report to the Court establishing that the accused is deliberately concealing himself to evade execution of the warrant.

(iii) Mere non-availability of the address shall not constitute absconding unless deliberate concealment is proved. A person who left India prior to issuance of the arrest warrant shall not ordinarily be treated as an absconder. However, continued stay abroad with the intention of frustrating execution of the warrant after proclamation shall be deemed to be absconding.

(iv) The Investigating Officer shall file an affidavit/status report detailing:

(a) All known addresses and contact numbers of the accused;

(b) Proof of service of arrest warrants through permissible modes, including post, personal service, electronic communication, or service upon family members;

Where the warrant is affixed on a conspicuous part of the house, homestead, town, village, or court house, the police officer shall annex a photograph evidencing such affixation along with the affidavit or status report. Any attempt to serve the warrant otherwise than in the aforesaid manner shall be treated as invalid.

(c) Detailed reasons for failure to secure the presence of the accused in court.

(v) Prior to issuance of a proclamation, the Court shall scrutinise the steps taken by the Police to execute the warrants.

(vi) At least two consecutive warrants shall be issued and attempted, with a minimum interval of thirty days.

(vii) Since the offence under Section 209 BNS is cognizable and non bailable, proceedings under Section 84 BNSS shall be executed by a police officer not below the rank of Sub-Inspector.

(viii) An advertisement shall be published in a local or national daily newspaper circulating in the area of the proclaimed accused's last known place of residence. In

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addition, electronic modes of communication may also be employed for this purpose. The published information shall require the proclaimed accused to appear before the Court to face trial. If the accused fails to appear within thirty days from the date of such publication, the trial shall proceed in his absence.

(ix) Intimation of the commencement of trial shall be communicated to relatives or associates of the accused with due acknowledgment.

(x) In cases involving accused persons who have left India, steps shall be taken for issuance of appropriate Interpol notices.

(xi) Notices regarding commencement of trial shall be affixed at the accused's last known residence, the concerned police station, and the court premises.

(xii) A dedicated register of proclaimed offenders shall be maintained at every police station and periodically verified by the Station House Officer (SHO). (Annexure 1)

(xiii) The SHO shall initiate proceedings for additional criminal liability under Section 209 BNS wherever applicable. These safeguards are intended to prevent wrongful declaration of absconders due to procedural lapses and to ensure fairness in the administration of criminal justice.

6. Guidelines for enhancing efficiency in execution of proclamations

(i) Mandatory affixation of the accused's photograph on the arrest memo.

(ii) Integration of the arrest memo with the NCRB database for biometric and facial recognition.

(iii) Inclusion of all mobile, landline numbers, and electronic communication details.

(iv) Inclusion of bank account, debit/credit card, and financial identifiers in the Arrest Memo.

(v) Mandatory photography and videography of proclamation proceedings and attachment of the same to the prosecution materials.

(vi) Public reading of the proclamation at a conspicuous place, duly videographed for evidentiary purposes under Section 209 BNS.

7. Best practices during investigation for anticipated proclamation

(i) Collection of high-quality photographs from multiple angles.

(ii) Digital recording of fingerprints and biometric data.

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(iii) Complete personal details including name, parentage, date of birth, and native place.

(iv) Documentation of properties and last known addresses.

(v) Recording of identifying marks and physical description.

(vi) Copies of government-issued photo identity documents – Passport, EPIC, etc.

(vii) Communication details – Email ID, Mobile Number, Land Line Number etc.

(viii) Social Media Account Details – Facebook, WhatsApp, LinkedIn, X, etc.

(ix) Information regarding family members and associates.

(x) Financial identifiers including PAN and bank accounts.

(xi) Integration with Governmental and Institutional Databases (PDS, Hospitals, Insurance, Banking, etc.) for Real-Time Verification.

8. Post-Trial and Appeal Guidelines

(i) If the accused is not represented, the court must appoint a defense lawyer at the state's expense (Legal Aid) to ensure a fair trial.

(ii) Testimony and examinations of witnesses should be recorded via audio- visual electronic means, as far as practicable, and preserved for future reference.

(iii) If the accused is apprehended or surrenders during the trial, the court has the discretion to permit them to re-examine evidence presented in their absence to ensure justice.

(iv) If the accused absconds after the trial begins, the trial and judgment will proceed without them.

(v) Regarding appeals, no appeal can be filed against the judgment unless the proclaimed offender surrenders to the appellate court. Additionally, an appeal must be filed within three years from the date of the judgment.

(vi) If the accused is later apprehended, the court may allow them to examine evidence presented in their absence.

(vii) Appeals against judgments under this section require the accused to first appear before the Court of Appeal and must be filed within three years of the judgment.

9. Role of the Director General of Prisons

Before applying this provision to any absconder, the State shall obtain a report from the Director General of Prisons certifying that the proclaimed offender is not lodged in any prison

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in the State of Kerala. For this purpose, the State shall communicate to the Director General of Prisons the addresses of the offender along with his biometric identifiers. The Director General of Prisons shall circulate the said particulars to all prison authorities and call for reports in this regard. The prison administration shall confirm that the notified offender is not in their custody.

Each prison shall maintain an updated list of absconders containing complete particulars, including biometric identifiers. The details of every newly admitted inmate, including biometric data, shall be verified against this list. Where a match is found, the Superintendent of the concerned prison shall immediately inform the Director General of Prisons, the Court concerned, and the Government through the proper channel.

Annexures A, B, C, and Form 149-A shall be maintained at the police station as part of investigation and trial records.

Annexure A

PROFORMA OF DETAILS TO BE COLLECTED DURING INVESTIGATION

GENERAL INFORMATION

Sr. No. :
FIR/DD No. :
Police Station :

DETAILS OF INVESTIGATION OFFICER

Name:
Rank :
Police Station:

DETAILS OF ACCUSED

Name	
Complete Residential address	

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Complete Permanent Address	
Age	
Contact No.(s)	
Details of Family Member(s) And respective Contact No.(s)	
Occupational details	

DETAILS OF PROOF OF IDENTIFICATION / PLACE OF RESIDENCE

Type of Document	Number of documents	Whether photocopy attached
Driving Licence		**Yes/No**
Aadhaar Card		**Yes/No**
PAN Card		**Yes/No**
Voter ID		**Yes/No**
Passport		**Yes/No**
Ration Card		**Yes/No**
Bank Passbook		**Yes/No**
Telephone Bill		**Yes/No**
Electricity Bill		**Yes/No**

ELECTRONIC MEDIA DETAILS OF ACCUSED

E- mail ID	

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Facebook ID and Associated email	
Twitter ID and associated email	
LinkedIn ID and associated email	
WhatsApp Number	
Any other social media account and its relevant details	

Annexure B

PROFORMA OF DETAILS TO BE FURNISHED BY THE ACCUSED AT THE TIME OF BAIL

Sr. No. :
FIR/DD/Case No. :
Police Station/ Court :

I,…… (name) resident of …… (place) having been arrested or detained without warrant by the officer in charge of ……. police station (or having been brought before the Court of ……..) charged with the offence of …….and required to give security for my attendance before such officer or Court on condition that I shall attend such officer or Court on every day on which any trial is held with regard to such charge, and in case

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of my making default herein, or being absconded or concealed myself and I fail to appear at a specific place and at a specified time, I bind myself to get my property/properties, as mentioned herein, attached by the Court. I further bind myself to disclose any change in my residential address/permanent address/ phone number/ mobile number/ other contact details to the officer in charge of…… Police Station/Court.

Date……

DETAILS OF ACCUSED

Name	
Complete Residential address	
Complete Permanent Address	
Age	
Contact No.(s)	
Details of Family Member(s) And respective Contact No(s)	
Occupational details	

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DETAILS OF PROOF OF IDENTIFICATION / PLACE OF RESIDENCE

Type of Document	Number of documents	Whether photocopy attached
Driving Licence		**Yes/No**
Aadhaar Card		**Yes/No**
PAN Card		**Yes/No**
Voter ID		**Yes/No**
Passport		**Yes/No**
Ration Card		**Yes/No**
Bank Passbook		**Yes/No**
Telephone Bill		**Yes/No**
Electricity Bill		**Yes/No**

ELECTRONIC MEDIA DETAILS OF ACCUSED

E- mail ID	
Facebook ID and Associated email	
Twitter ID and associated email	
LinkedIn ID and associated email	
WhatsApp Number	
Any other social media account and its relevant details	

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Annexure C

PROFORMA OF DETAILS REGARDING PUBLICATION UNDER SECTION 84 BNSS

DETAILS OF THE OFFICER ENTRUSTED WITH PUBLICATION

Name	
Designation	
Contact No (s)	

DETAILS OF PERSON AGAINST WHOM PROCLAMATION IS TO BE PUBLISHED

Name	
Complete Residential address	
Complete Permanent Address	
Age	
Contact No.(s)	
Details of Family Member(s) And respective Contact No(s)	

DETAILS OF THE PROCESS

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Sl. No.	DETAIL	RESPONSE
1	Whether the proclamation was read out in a conspicuous place of the town or village in which the person resides? If not, give reasons.	Yes/no
2	Whether the reading out of the proclamation was recorded on video? If not, give reasons.	Yes/no
3	Whether the video of the reading out of the proclamation is attached with the form? If not, give reasons.	Yes/no
4	Whether the house or homestead in which the person resides could be identified? If not, give reasons.	Yes/no
5	Whether the house or homestead in which the person resides was photographed? If not, give reasons,	Yes/no
6	Whether the photograph of the house or homestead in which the person resides, is attached with this form? If not, give reasons.	Yes/no
7	Whether the proclamation was affixed to a conspicuous part of the house or homestead in which the person resides? If not, give reasons.	Yes/no
8	Whether the proclamation affixed to a conspicuous part of the house or homestead in which the person resides, was photographed? If not, give reasons.	Yes/no

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9	**Whether the photograph of the proclamation affixed to a conspicuous part of the house or homestead in which the person resides, is attached with this form? If not, give reasons.**	**Yes/no**

KPF 149

PROCESS REGISTER FOR PROCLAMATION OF …… FOR THE MONTH OF ……., YEAR……

Sl. No.	The No. printed on the form used	By whom issued	Name of person at whose instance issued	Nature of process (Warrant / Proclamation / Proclaimed Offender)	Case title and particulars	Date of framing of charge	Name and particulars of the person against whom warrant of arrest is issued	Date of Judicial Order directing arrest warrant to be issued	Date and hour of receipt by Police	Date and hour of Endt. for execution	The Officer/Person to whom directed	Date of issue	Date of hearing	Date of cancellation (if any)	Date of return	Report returned on	Date of service of first warrant	The action taken as reported
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19

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